

66
The Petition of the Oppressed Market People,
Humbly Offer'd to the Consideration of the Lord
Mayor, Aldermen, and Common Council
of the City of London.

Humbly Sheweth,

THAT some of your Petitioners, with many others, did in the Year 1696. set forth and prove before a Committee of this Court, many Enormities and Oppressions committed by the Farmers of the City Markets, which the said Committee did represent to this Court, in a Report to them made the 29th of July, 1696. which was to the Effect following; (*viz.*) That they found upon a strict Enquiry, that the Rates received by the Farmers of the Market-People did amount to above Ten Thousand Pounds *per Annum*, and that they had received of the then Tenants above Two Thousand Pounds by way of Fines, for admitting Market People into Stalls and Standings: And that they did believe great Sums were Exacted by way of Rents and Fines, that were then undiscovered thro the Dread many of the Market People were under of being farther Oppressed by the said Farmers, in case the City did not give them Relief.

They also set forth, That they had Examined the Farmers Lease, and likewise the Act of Common Council made in Sir William Hooker's Mayoralty, and did find, That the said Farmers had taken greater Rates than they ought to have done, extorting the same by all the ill Usages imaginable, As by putting the People to Vexatious Suits, Arresting, Imprisoning, and Ruining many of them; and thereby forcing them from the Markets, to the Enhancing the Rates of Provisions, &c. Which Report was Signed by Sir William Gore, Deputy Sherbrooke, Deputy Parker, Mr. Rowland, and divers others of the said Committee. And the same being read in this Court, the effectual Relieving of the Market People was committed to the said Committee, who were empowered to advise with what Council they thought fit, and to receive Money of the Chamberlain for that end; Pursuant to which Order the said Committee took great pains, and made a considerable progress in Redressing the Abuses complained of; They causing a Table of Rates to be Printed and Published, with Instructions to the Market People how to behave themselves; and Mr. Baydett, one of the said

Farmers and Principal Managers of the Markets, being Indicted for Extortion, was upon a fair Trial before the Lord Chief Justice Holt, found Guilty of the same; who being a second time brought upon Trial on another Indictment for the same Crime, he did by his Council pray that all Differences between the Farmers and the Market People might by a Rule of the Court of *King's-Bench* be referred to the final Determination of Sir *Nathan Wright*, one of the King's Serjeants at Law, and Sir *Bartholomew Shonor*, Kt. as Arbitrators, and to the Umpirage of the Lord Chief Justice Holt; which was Assented to by the King's Council on the behalf of the Market People. And an Award was made and published (founded upon a Rule of the said Court of *King's Bench*) by the said Arbitrators, they being assisted therein by Sir *William Hedges*, Kt. and Alderman, and by Deputy *Parker*, Deputy *Sherbrook*, Mr. *Rowland*, Mr. *Grevill*, and others of the said Committee appointed as aforesaid. In which said Award, not only all Extortious Bonds and Notes were ordered to be delivered up to the Market People by the Farmers. But Mr. *Burdett* and *Killner* were likewise ordered and obliged to pay unto Mr. Deputy *Parker* and Mr. *Grevill* the Sum of Four Hundred Pound, to be distributed by them (Cost of Suit being deducted) amongst such Market People whose Names were inserted in a Schedule annexed unto the said Award. Which was some Satisfaction for the Money wrongfully taken from them by the Farmers: And the said Arbitrators made divers Excellent Rules and Orders, which your Petitioners were in hopes would have kept the Farmers within due Bounds. But Mr. *Burdett* soon after quitted his Station in the said Farm, and your Petitioners are informed, a new Demise hath since been made thereof unto Mr. *Killner* and others, whereby your Petitioners and other Market People are, as we are told, deprived of the Benefit of the said Award, and the said Mr. *Killner* is now the principal Manager of the Markets, who Repeats and Continues the Abuses your Petitioners formerly complained of, to our very great Burden and Oppression.

And the said Committee being discontinued, some poor Market People did the last Term set forth some of their Oppressions by Affidavits in the Court of *King's-Bench*, which Court did then Order an Information for Extortion to be exhibited against Mr. *Killner*, which came to be Tried before the Lord Justice Holt, at *Guildhall*, on Tuesday the 9th of this Instant *May*, when before the Council for the King had half gone through their Evidence, Mr. *Killner's* Council prayed, That all Matters in Difference between the Farmers and the Prosecutors, might by a Rule of the Court of *King-Bench* be referred to the former Arbitrators, and the Umpirage of the said Lord Chief Justice, which was agreed unto by the Council for the King. But the said Reference extending only to the Persons named in the Information; And there being Hundreds more under the like Oppressions, and the Proceedings in Courts of Justice so Expensive and tedious; And the Farmers being able to out-do your Petitioners and others with Money, there is no hopes of being generally and effectually

Relieved

(3)
Relieved, but by Application to the next Sessions of Parliament, shall this Honourable Court do in the mean time take our deplorable Condition into their serious Consideration, and once more give us leave to manifest the Truth of our Complaints before such Committee as this Honourable Court shall appoint: And otherwise provide for our Redress according to the Merits of our Case; which is the Humble Supplication of your Petitioners, on behalf of our selves and Fellow Sufferers.

And for which your Petitioners shall ever Pray, &c.

Note, This Petition was designed to have been Presented to the Common Council the 17th of May, 1699. but was prevented by an Accident.

An Abstract of an Information for Extortion exhibited against Mr. Thomas Killner, one of the Farmers of the City Markets, by Virtue of a Rule of the Court of King's-Bench in Hillary-Term, 1698.

Dominus Rex versus Thomas Killner.

THE Information sets forth, That the Defendant on the 3d of December, Anno 10. Regis nunc, at London in the Parish of St. Faith's, in the Ward of Farringdon within, then and yet being one of the Farmers of the Markets of the City of London, and of the Tolls, Dues, and Profits thereby arising, by colour of his said Farm, and under pretence of his said Office of one of the Farmers, &c. Unlawfully and Extortionously required, took and had of one Joan Laxton Widow 3*l.* 2*s.* 6*d.* for permitting her to have the use of a Board about four Foot long, and two Foot six Inches broad, for selling and exposing to sale of Meat and other Victuals upon, in Newgate Market, for the space of twenty-five Weeks then past (to wit) 2*s.* 6*d.* per Week, whereas the Defendant ought not to have received or required of the said Joan, for the use of the said Board, more than 18*s.* 9*d.* (to wit) 9*d.* per Week.

That the Defendant on the 4th of February, Anno 10. *prædict.*, at London, in the said Parish and in Castle-Baynard Ward, then and yet being one of the Farmers, &c. Unjustly, Unlawfully and Extortionously took of one Mary Palmer the Wife of Samuel Palmer, 4*s.* 8*d.* for permitting her to have the use of a Board about five Foot long and three Foot broad in Newgate Market, *aforesaid*, for selling and exposing to sale of Butter, Eggs, Oat-cakes, Hogs-Puddings and Sausages upon, for the space of two Weeks then past (to wit) 2*s.* 4*d.* per Week, whereas he ought not to have received of the said Mary, for the use of the said Board, more than 2*s.* (to wit) 1*s.* per Week.

Also, that on the said 4th of *February* in the Parish and Ward last mentioned, the Defendant unlawfully and extortiously took of one *Anne Milbourn*, Wife of *Daniel Milbourn*, 40 s. for permitting her to place two Dossars in *Newgate Market*, for selling and exposing to sale of Flesh, Butter, and other Provisions upon, for the space of eighty days then past, whereas he ought not to have received or required of the said *Anne* for permitting her to put her said Dossars in the said Market for the said eighty days, more than 13 s. 4 d. (to wit) 2 d. per Day.

And that the Defendant on the said 4th of *February* at *London*, in the Parish of *St. Faith* and Ward of *Farringdon* within, Unlawfully, Extortiously, &c. took of the several Persons following the several Sums after-mentioned, (*viz.*) of one *Mary Cooke*, Wife of *John Cooke*, 4 l. 13 s. 4 d. for permitting her to have the use of a Stall in *Newgate Market*, about five Foot long and eighteen Inches broad, to sell Meat and other Victuals upon for the space of Forty Weeks, (to wit) 2 s. 4 d. per Week, whereas he ought not to have received of the said *Mary* for the use of the said Stall for the said Forty Weeks more than 40 s. (to wit) 1 s. per Week. And of one *Anne Geeves*, Wife of *John Geeves*, 14 s. 8 d. for admitting her to use a Board in *Newgate Market*, about six Foot long and two Foot and an half broad, for selling Meat and other Victuals upon, for Four Weeks then past, (to wit) 3 s. 8 d. per Week, whereas he could not lawfully have received or required of the said *Anne*, for the use of the said Board, for the said Four Weeks more than 5 s. 4 d. (to wit) 1 s. 4 d. per Week. Also of one *Mary Bignell*, Wife of *William Bignell*, 5 l. for suffering her to use a Board about six Foot long and two Foot six Inches broad in the said Market, for selling Meat and other Victuals upon, for the space of Forty Weeks then past, (to wit) 2 s. 6 d. per Week, whereas he ought not to have received or required of the said *Mary*, for the use of the said Board for the said Forty Weeks more than 53 s. 4 d. (to wit) 1 s. 4 d. per Week. Also of one *Elizabeth Page*, Widow, 4 l. 13 s. 4 d. for permitting her to have the use of a Board about six Foot long and three Foot six Inches broad in the said Market, for selling Meat and other Victuals upon, for the space of Forty Weeks past, (to wit) 2 s. 4 d. per Week, whereas he ought not to have received or required of the said *Elizabeth* for the use of the said Board for the said Forty Weeks more than 53 s. 4 d. (to wit) 1 s. 4 d. per Week. And also of one *Anne Sutton*, Wife of *John Sutton*, 3 l. for permitting her to place and put two Dossars in the said Market, for selling Meat, Butter and other Victuals upon, for the space of Forty Weeks then past; whereas the said *Anne* placed her said Dossars in the said Market no more than two Days in any one Week of the said Forty Weeks, and by reason thereof the Defendant ought not to have received or required of the said *Anne* more than 2 d. per Day for every Day of the said Days wherein she so placed her Dossars in the said Market.

To the great Damage, Oppression and Impoverishment of the said *Joan Laxton, Samuel Palmer, Daniel Milbourn, John Cooke, John Geeves, William Bignell, Elizabeth Page, and John Sutton*, to the Augmenting and Exalting the Price of Meat, Victuals, and other Provisions sold in the Publick Markets of the said City, to the hindrance and discouragement of Market People and other His Majesty's Subjects from bringing good Victuals, Provisions and Merchandizes to the said Markets to be sold, to the great prejudice, expence and loss of the Citizens and Inhabitants of the said City, and of all persons (especially the Poor) buying such Victuals, Provisions and Merchandizes in the said Markets, to the very evil and pernicious example of all others in the like case offending, and against the Peace of our Lord the King, his Crown and Dignity, &c.

The CASE

THAT the said *Joan Laxton, Mary Palmer, Anne Milbourn, Mary Cooke, Anne Geeves, Mary Bignell, Elizabeth Page and Anne Sutton* are poor People, who Sell small Provisions in *Newgate Market*, viz. *Lamb, Pork, Butter, Eggs, Oat-Cakes, Hogs-Puddings, Sausages, &c.* in small quantities, None of them ever bringing more than an Horse-Load on any one Market-Day, for which by the Ancient Custom of the City of *London*, as also by an Act of Common-Council, made the 17th September 1674, they ought not to pay more than 2 d. per Day.

That the said Persons, with many others, are placed by the Defendant and the other Farmers, under the *Pent-Houses* of the Inhabitants adjoining to the said Market, and all the Accommodation or Conveniency any of them have from the Farmers, is a *Moveable-Board* whereon to lay their Provisions, for which they pay as set forth in the Information, viz. *Joan Laxton* for a Board about 9 Square Feet 2 s. 6 d. per Week; *Mary Palmer* for a Board about 15 Square Feet, 2 s. 4 d. per Week; *Anne Milbourn* for the standing of 2 Dollars without any Board 6 d. per day; *Mary Cooke* for a Board about Eight Square Feet 2 s. 4 d. per Week; *Anne Geeves* for a Board about 18 Square Feet 3 s. 8 d. per Week; *Mary Bignell* for a Board about 15 square Feet 2 s. 6 d. per Week; *Elizabeth Page* for a Board about 20 square Feet 2 s. 4 d. per Week; and *Anne Sutton* for the standing of two Dollars without any Board 9 d. per Day. The best of which Boards cannot cost the Farmers above 7 s. and some of them not half so much, which is all the Charge they are at, for accommodating the said Persons, and one of the said Boards may last for that use above Twenty Years. And the poor People have no shelter but under the *Pent-houses* of the Neighbouring Inhabitants as aforesaid; for which, and for obstructing the Light and Passages of the

the Inhabitants Houses, they are generally obliged to pay them a Consideration, besides the excessive Rates extorted from them by the said Farmers, to their very great Burden and Oppression.

Wide the
Award, 4.
Article.

That by an Award lately made by Sir *Nathan Wright*, and Sir *Bartolomew Shower*, grounded upon a Rule of the *Court of Kings Bench*, the said Farmers are obliged to take no Advance or Increase of Rent upon pretence of any extraordinary Conveniency or Accommodation, above or more than the Expence and real Charge of making such extraordinary Conveniency or Accommodation.

22 Car. 2.
cap. 11.
sect. 61.

That the Ancient Rates and Duties paid before the *Fire of London* by the Market People for the same Accommodations, did never exceed 2 *d.* per Day; and sometime after the *Fire*, the City (pursuant to an Act of Parliament) set out and purchased Grounds for publick Markets with Money given and appropriated by the said Act for that purpose: And the Dean and Chapter of *St. Paul's* and their Successors are obliged thereby to make a Grant or Demise to the City of *London*, of the Ground set out for *Newgate Market*, from Forty Years to Forty Years for ever, at the Rent of 4 *l.* per Annum. So that the City, if they have any Authority, they have no reason or cause from their extraordinary Charge, to raise the ancient Tolls and Duties, and they could never answer the Charge in the late *Quo Warranto* for so doing.

That soon after the Ground was set out for the said Markets, fixt Stalls, with Racks and Sheds over them for Shelter, were built by the City round *Newgate Market*, about Fourteen Foot distance from the Houses of the Neighbouring Inhabitants; and in *September 1674.* the Common Council made an Act wherein the Rates and Duties to be paid by the Market People are Setled and Appointed, (*viz.*) For a Stall or Standing of Eight Foot long and Four Foot broad, which is Thirty two square Feet, for the Sale of Flesh Meat or Fish 2 *s.* 6 *d.* per Week, which is the highest Rate of any Stall in the Markets. For a Stall or Standing of Six Foot long and Four Foot broad, for the sale of Flesh, Meat or Fish 2 *s.* per Week. And for every Stall or Standing of Six Foot or Eight Foot long and Four Foot broad, for the sale of other Commodities, 3 *d.* per Day. Now by what followeth it is evident, that all these aforementioned Stalls and Standings, upon which these high Rates are set, are such as have Racks, and Sheds over them for shelter. For every Horse-load of Provisions, not upon Stalls nor under publick Shelter, 2 *d.* per Day. For every Doffar of like Provisions 1 *d.* per Day: Which is the Case of the Complainants, who have none of the afore-mentioned Stalls with Racks, under publick Shelter.

It cannot be supposed the Makers of the said Law designed the Market People should sell their Horse-loads of Provisions upon their Horses backs, there must be room to stand, and conveniency to shew the same in the said Market, intended for them by the said Act, for the 2 d. per Day. A Cart-load of Provisions with three Horses is but 4 d. and with Four Horses or more but 6 d. per Day by the said Act, and the bringers thereof must likewise have room and conveniency to shew and sell the same for the said Rates.

Note, The Farmers of the Markets have in their Lease expressly Covenanted with the City not to exceed these Rates in their Receptions of the Market People, under the Penalty of 10 l. for every Offence.

Note, Also, when first the Markets were Farmed to one Mr. Humfrey, he took of these sort of People but 2 d. per Day without Boards, and 4 d. per Day with Boards, and that only when they came, which was seldom more than two Days in the Week. But the present Farmers make them pay the Rates as before set forth in the Information, though they come but one or two Days, and sometimes never a Day in the Week.

Object. If objected that these People may have room in other parts of the Market for 2 d. per Day.

Respons. The fixed Stalls under Shelter are filled with Butchers, and the Inside of the said Market is filled with Gardiners, Fruiters, Carters, and Panniers all the Morning of every Market-day, so that there is hardly room to stir, and the said Farmers are at no more Charge for them where they stand, than if they stood in any other part of the Market. The benefit of shelter is under the Pent-houses as aforesaid, for which the Farmers or City do not pay anything. And it is conceived that the Farmers have no Right to demand or take any advance or increase of Rent for the People standing there, more than in any other part of the Market.

Obj. If objected, that 4 d. per Week of the Money that the Farmers take of these poor People is for weighing their Provisions.

Resp. Most of these Provisions are not sold by weight, and those that are, the People are forced to get weighed at the Scales of the Neighbouring Inhabitants, the Farmers not providing any Weights or Scales in any convenient place where they can come at them.

Obj. If pretended the Farmers take part of the Money for the use of Ground besides the Boards, &c. to the People who sell their Goods there, they will be forced to sell at a lower Price, and consequently to their own Ruin. Most of these People have no other use of Ground but in Common with other People that come to Market either to sell or buy, and if they have, the said Act makes a great difference between the Rates on Stalls, and bare Ground; Thirty six square Feet of bare Ground being not above 20 s. per Annum, by the said Act. See the Rates for Gardeners, &c.

Obj. If alledged, that the Farmers are at great Charge in Management of their Farm.

Resp. They are at no other Charge for these sort of Market People, than finding them moveable Boards, the best of which hardly cost above 7 s. and may last Twenty Years.

Obj. If alledged, that this Prosecution is begun and carried on by Neighbouring Inhabitants.

Resp. They are under a necessity so to do, in their own Defence, as well as in Charity to the Poor People, the Farmers having Ruined many of these sort of Poor People, and drove them from the Market, they would now oblige the House-keepers to pay their Extortious Demands, for having their own Doors and Shop-Windows free from these unreasonable Incumbrances.

Divers Affidavits, touching the Information exhibited against Thomas Killner, &c.

Deponant *Humfrey* of the Parish of Kensington in the County of Middlesex, Gent. maketh Oath, That he was a Farmer of the Publick Markets of the City of London, from the Year 1676 until the Year 1684. And during all that time he this Deponant did provide Boards and Trussels for the Market People selling small Provisions in Newgate Market and other Publick Markets within the said City, who had occasion to use the same: And that the customary Demand of this Deponant

Deponant of the said Market People, for the use of the same and their said standings in the said Markets, was no more than 4 *d.* per Day with Boards and Trussels, and 2 *d.* per Day when they used none. And that they then seldom came to Market more than two Days in the Week, (*viz.*) *Wednesdays* and *Saturdays*. And this Deponant further maketh Oath, That such Boards and Trussels commonly used by the Market People, did not cost above 3 *s.* for one Board and two Trussels, and not above 2 *s.* for a Board without Trussels. And that there was also a Consideration paid, as this Deponant was informed and believes, by such Market People as stood under the Pent-houses of the Neighbouring Inhabitants to the Housekeepers for shelter, and for obstructing their Lights and Passages.

Jurat 4. Feb. 1698.

Cor^r Tho. Rokeby.

To. *Humfrey*.

Dominus Rex versus *Thoma Kellner*.

Phillip Clement of the Parish of *Stepney* in the County of *Middlesex*, Gent. maketh Oath, That he this Deponant was from the Year 1674, unto the 1682, or thereabouts, one of the Clerks of the City Markets, and did by the Order of Mr. *Toby Humfrey* and other Farmers of the said Markets, Lett the Stalls and Standings under the Pent-houses of the Inhabitants adjoining unto *Newgate* Market, and did collect the Rates and Duties paid for the same for the use of the said Farmers. But this Deponant did never, during all that time, take any thing more than Ordinary upon the account of Shelter under the said Pent-houses. And this Deponant further maketh, That he never Lett any Stalls by measure, but according to the measure of the Boards only, not reckoning any thing for the Ground on either side of the same, which the then Farmers (by whose Orders and Directions this Deponant acted) took to be the Intent of the Act of Common Council, made the 17th of Sept. 1674. and in the Mayoralty of Sir *William Hooker*, which was their Rule. And further this Deponant maketh Oath, That he received of the Market People, standing under the Pent-houses as afore-said, the Rates and Duties following, and no more; (that is to say) For every Dossar One Penny per Day; and for every Board with Trussels Four Pence per Day, and that only for such days as the Market People came to Market, and when they came not to Market they paid nothing.

Jurat 16 die Maii 1699.

Cor^r Tho. Rokeby.

Phillip Clement.

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Dominus

Dominus Rex versus Thoma Killner.

RICE Sewen of the Parish of Christ-Church, London, Carpenter, maketh Oath, That he this Deponant did Measure and Value the Boards used in Newgate Market by several Persons named in an Information exhibited against Mr. Thomas Killner, and found them to be as followeth; (*viz.*) Joan Laxton's Board, in measure four Foot two Inches long, and two Foot six Inches broad, in value five Shillings: Mary Cooke's Board, five Foot eight Inches long, and one Foot eight Inches broad, value three Shillings: Mary Bignells, six Foot two Inches long, and two Foot nine Inches broad, value seven Shillings: Anne Geeves's Board, six Foot eight Inches long, and two Foot eight Inches broad, value seven Shillings: And Elizabeth Page's Board, six Foot long, and two Foot nine Inches broad, value seven Shillings. And this Deponant further maketh Oath, That the Persons using the said Boards, have no other shelter over them, but the Pent-houses of the Inhabitants adjoining to the said Market, which are maintained at the Charge of the several Owners thereof, without any Charge to the City of London, or the Farmers of the said Market, as this Deponant is informed and believes.

Jurat 18 die Maii, 1699.

Cor^a J. Holt.

Rice Sewen.

Note, Rice Sewen hath been Carpenter to Mr. Killner and the other Farmers, and well knows the value of these Boards and Trussels.

Note, Mary Palmer was since her Affidavit put out of the Market, and her Board taken away to prevent the Measurement thereof, as is supposed.

Note, That these Boards are all the extraordinary Accommodation the Farmers provide, for any of these sort of Market People. And some of them have nothing but bare Ground, as Sutton and Milbourne, &c.

Dominus Rex versus Thoma Killner.

JOAN Laxton of the Parish of St. Sepulchres, London, Widow, maketh Oath, That she this Deponant selleth small Butchers Meat in Newgate Market in London, under the Pent-house belonging to the House of Thomas Whitmore, upon a Board about three Foot and an half in length, and about three Foot in Breadth; for which standing Mr.

Thomas

Thomas Killner and other the present Farmers of the Publick Markets of the City of *London*, did by *Benjamin Stafford*, one of their Agents, Demand and Receive of this Deponant 2 s. 6 d. per Week, for about six Months; and this Deponant about Two Months since being two Weeks in Arrear for her said standing, was Arrested at the Suit of the said Mr. *Killner* and other the said Farmers of the Markets for the same, which she was compelled to pay: But soon after the said Arrest, this Deponant went to the said Mr. *Killner* and told him, that she was not able to pay 2 s. 6 d. per Week for her said standing, whereupon he ordered this Deponant to pay but 2 s. per Week for the future, which she hath accordingly paid. And this Deponant further maketh Oath, That upon the 7th day of *February* Instant, one *William Gregg*, an Agent of the said Farmers, demanded 2 s. 6 d. per Week again of this Deponant, for her said Standing, and threatened to take away the Board upon which her Meat lay, if she did not pay the same. And this Deponant further maketh Oath, That she likewise pays a Consideration unto the said Mr. *Whitmore* for the benefit of the Shelter of his said Pent-house, and for Obstructing the Passage to his House. And further this Deponant maketh Oath, That she hath kept the same Standing in the said Market, with the like Conveniencies, for about Eighteen years last past; and until of late years, she paid no more than 2 d. per day for such days only as she came to the said Market, and she paid nothing for such days as she did not come, but now the present Farmers compel her to pay the Rent aforesaid, if she doth not come one day in the Week to the said Market.

Jurat 8 die Feb. 1698.

Cor^y *Tho. Rokeby.*

Note, That one of the Farmers Men swore, That all Moneys above 16 d. per Week paid by *Joan Laxton*, was upon account of a Debt of 5 l. she owed for Arrears of Rent, which she positively denied upon her Oath at the Tryal; and 'tis not very likely the Farmers should trust her whilst 5 l. run up, at 16 d. per Week, which is about a Year and an half.

Dominus Rex versus *Thoma Killner.*

MART *Palmer*, Wife of *Samuel Palmer*, of the Parish of *St. Botolph Bishopsgate*, Weaver, maketh Oath, That on or about the 23d day of *January* last past, she made Application unto the above-named *Thomas Killner*, being one of the Farmers of the Publick Markets of the City of *London*, for Admission to sell small Provisions in New-

gate Market, (*viz.*) Butter, Eggs, Oatcakes, Hogs-Puddings, and Sausages, and the said Thomas Killner did demand of this Deponant 2 s. 4 d. per Week for standing under the Pent-house of James Dickson, who keeps a Victualling-House adjoining to the said Market. And upon Wednesday next following, being the 25th day of the said Month of January, this Deponant was by one of the Agents of the said Farmers placed under the aforesaid House, and furnished with a moveable Board laid upon Trussels, containing about five Foot and an half in length, and about 3 Foot in breadth, for the shew of her said Provisions; and upon Saturday last past, being the 28th day of January aforesaid, The said Agent of the Farmers demanded and took of this Deponant 2 s. 4 d. as Rent for that Week for the said Board and Standing: And the said James Dickson likewise demanded and took of this Deponant 2 s. for her standing before his Window, and Obstructing his Passage and Light; both which sums make 4 s. 4 d. per Week. And this Deponant further maketh Oath, That the first Cost of all the Provisions that she sold that Week in the said Market, did not exceed 10 s. And that she shall be disabled from keeping the said Market (as she hath been inform'd divers other Persons have been) by reason of such Exactions.

Jurat, 8 die Feb. 1698.

Cor. Tho. Rokeby.

Note, This Affidavit Gives an undeniable Demonstration of about Eight Shillings in the Pound advanced upon the Prices of Victuals sold in the said Market, by reason of these Exactions, which must needs be a very great Burthen and Detriment to the Publick.

Supposing this poor Woman's Stall-Board had been eight Foot Long and four Foot Broad, and under Publick Shelter, (which it was not) the said Farmers could justifie by the Act of Common Council the taking no more then Three Pence per Day, which is but One Shilling per Week. See the Act 'tis supposed the House Keepers have no right to demand any thing.

Dominus Rex versus Thoma Killner

ANNE Milbourne, Wife of Daniel Milbourne, of London, in the County of Middlesex, Farmer, Maketh Oath, That she hath for divers Years kept Newgate Market, in London, commonly two days in a Week with only two Dollars of small Provision each day for which formerly she paid no more than two Pence per day when she came, but when she did not come she paid nothing. But for some time past Mr. Thomas Killner and other the present Farmers of the said

said Market, have, by *Benjamin Stafford*, one of their Agents, demanded and taken of this Deponant one Shilling per Week, whether she came or not. And this Deponant further Maketh Oath, That she pays Fifty Shillings per Annum besides, unto Mr. *John Thompson*, for standing under the Pent-house belonging to his House for shelter.

Jurat 8 Feb. 1698.

Cor' John Turton.

Dominus Rex versus Thoma Killner

MARY Cooke, Wife of *John Cooke*, of the Parish of *Christ-Church*, London, Butcher, Maketh Oath, That she selleth small Butchers Meat in *Newgate Market*, London, under the Pent-house of *John Whiteing*, upon a Board about six Foot in length, and about eighteen Inches in Breadth, for which the Farmers of the Markets have, by their Agents, demanded and recieved of and from this Deponant 2 s. 4 d. per Week, for several Months last past.

Jurat 6 Feb. 1698.

Cor' Tho. Rokeby.

Dominus Rex versus Thomas Killner.

ANNE Geeves, Wife of *John Geeves*, of the Parish of *St. Andrews*, *Holborne*, Labourer, maketh Oath, That she this Deponant hath ever since *Christmas* last past sold small Provisions in *Newgate Market*, in London, under the Pent-house of Mr. *Roger Cousins*, Grocer, upon a moveable Board about 6 Foot in length, and about 3 Foot in breadth. And this Deponant further maketh Oath, That the Farmers of the said Market have by their Agents demanded and received of and from this Deponant 3 s. 8 d. per Week, for the use of the said Board, and standing under the said Pent-house ever since *Christmas* as aforesaid.

Jurat 6. Feb. 1689.

Cor' Tho. Rokeby.

Dominus Rex versus Thoma Killner.

William Bignall, of the Parish of *St. Andrews Holborne*, Carpenter, maketh Oath, That *Mary Bignall*, this Deponant's Wife, sell-
eth

eth small Butchers Meat in *Newgate Market*, in *London*, under the Pent-house belonging to the House of *Samuel Tomlinson*, upon a moveable Board about six Foot in length, and about two Foot in breadth, for which Standing the present Farmers of the Publick Markets of the City of *London*, have for several Months last past demanded and received of and from this Deponants said Wife 2 s. 6 d. per Week.

Jurat 6. Feb. 1689.

Cor Tho. Rokeby.

Dominus Rex versus Thoma Killner.

E *Lizabeth Page*, of the Parish of *St. James's Clarkenwell*, Widow, maketh Oath, That she selleth small Meat in *Newgate Market*, *London*, upon a movable Board about six Foot in length, and three Foot in breadth, under the Pent-house of *James Dickson*, Victualer, for which Mr. *Thomas Killner* and other the Farmers of the said Market have, by *Benj. Stafford* one of their Agents, demanded and received from this Deponant 2 s. 4 d. per Week, and the said *James Dickson* hath demanded of this Deponant some Rent for Obstructing his Light and Passage; and this Deponant paid unto Mr. *Samuel Ball*, who lived in the same House that the said Mr. *Dickson* now liveth, 4 l. per Annum, for the obstructing his Light and Passage.

Jurat 8. Feb. 1698.

Cor John Turton.

Dominus Rex versus Thoma Killner.

A *NNE Sutton*, Wife of *John Sutton*, of *Hendon* in the County of *Middlesex*, Farmer, maketh Oath, That she keepeth *Newgate Market*, in *London*, commonly two days in the Week, with two Dof-fars of small Meat and other Provisions, which she selleth under the Pent-house of *Smith* a Cheesemonger, and hath no Conveniency, or Accommodation provided by Mr. *Thomas Killner*, or any other Farmer of the City Markets, otherwise than as aforesaid, nor any Boards or Trussels for the putting her Provisions upon; and yet notwithstanding the said Mr. *Killner* and the other Farmers have, by one *Benj. Stafford* one of their Agents, demanded and taken of this Deponant 18 d. per Week upon account of her Standing as aforesaid, for several Months past, whether she came to the said Market or not. And this Deponant farther maketh Oath, That she hath no shelter but from the Pent-house of the

the said Mr. *Smith* as aforesaid, for which she pays a Consideration to the said Mr. *Smith*, and for Obstructing the Passage to his House. And this Deponant further maketh Oath, That she formerly paid no more than two Pence per Day for the same Conveniency.

Jurat 8. Feb. 1698.
Cor' John Turton.

Note, These Eight last Affidavits shew something of the Practice of the present Farmers, and the Two first Affidavits prove the Judgment and Practice of the former, touching the Rates and Duties settled by an Act of Common Council made the 17th of September 1674, which said Act was a Rule to the first Farmers (in their Demands and Receptions of the Market People) as it ought to be to the present, whose Lease doth not only refer thereunto, but likewise unto a Lease made in the Year 1677, by the City unto Mr. *Toby Humfrey*, one of the former Farmers, wherein many of the Rates allowed to be taken by the said Act are reduced, by reason they could not be justified before a Committee of Parliament appointed to inspect the same, upon a Complaint made by the Market People about the Year 1676.

Object. If it be objected, the former Farmers paid less Rent for the said Markets than the present.

Answer. The present Farmer Mr. *Killner* proposed to take them as held by Mr. *Toby Humfrey*, and took them over his Head; and the said Mr. *Humfrey* hath since offered to the City the same Rent, and more than what the present Farmers pay.

Note, The Dean and Chapter of *St. Paul's*, pursuant to the aforesaid Act of Parliament, made a Demise to the said City of Twenty three thousand seven hundred ninety and seven Foot of Ground for the said Market Place, besides Ways and Passages leading thereunto. But the whole Extent of the Ground Plat to the Uprights of the Houses, round the said Market, is at least Twenty nine thousand four hundred fifty and one Feet, which is Claimed and Lett out by the City Farmers to the Market People, which said Farmers pretend a Right to Demand and take about One Penny per Week for every square Foot, not only for Boards and Stalls, but for bare Ground also, which doth amount to One hundred twenty and two Pounds Fourteen Shillings and Three Pence per Week; and is Six thousand three hundred eighty one Pound and One Shilling per Annum. Now if the said Farmers can justify the taking the said Rates, of about One Penny per Week in *Newgate Market*, for every square Foot, not only for Boards and Stalls, but

but likewise for bare Ground, they may do so by the same Authority in all the other publick Markets, and so may (if they now do not) make the Profits thereof arise to Twenty or Thirty thousand Pounds *per Annum*. And what a grievous Oppression this must needs be to the poor Market People who pay the same, is obvious; and how much it tends to the Inhancing the Prices of Provisions, to the wrong of the Publick, is worthy of Enquiry.

As the Ground for the said Markets was purchased with Money raised upon the Publick by Vertue of the aforesaid Act of Parliament. So no doubt the Markets were designed to be Free, Open and Common, and for the publick Advantage of all the Kings Subjects, who have occasion to use the same, either to sell or buy Food and Victuals, upon paying a reasonable Toll or Duty bearing a due proportion to the necessary Charge the City is at in the Ground Rent and Management of the same; and what ever is taken more, is conceived to be Outragious and Oppressive, and against the Common and Statute Law of this Kingdom. See 3 Edw. I. cap. 31. and the Lord Coke's Commentary upon the same.

As the City cannot alienate the Market Ground, purchased as aforesaid, to other Uses than for Publick and Common Markets: So neither can they (as is conceived) convert the said Markets from their intended end, (*viz.*) Common and Publick Advantage, as is evident by the aforesaid Act of Parliament.

The City have been very careful in their Demise of the said Markets, to prevent any occasion for Complaints of this nature, as may appear by the many excellent Clauses or Covenants in the Farmers Lease, some of which are to the Effect following, *viz.*

The City in their Lease to the present Farmers, Demise the Ground so far only as they had power so to do, and as used for Markets, the 2d day of *November* 1686. or Four Years before. And they Demise the Tolls, Rates and Duties, as they are settled in an Act of Common Council made the 17th day of *September*, 1674. and in a Lease made to Mr. *Toby Humfrey* in the Year 1677.

The City in expresse Words except out of their Lease, all Ways and Passages leading unto, in, or about the said Markets; and the Farmers Covenant with the City to make no Incroachment under the forfeiture of Five Marks for every Offence, and four times the value they shall make by every Incroachment. And they Covenant to Endempnify the City from the Dean and Chapter of *St. Paul's*, by reason of any Building or Erections in *Newgate Market*.

And they further Covenant with the City, That neither they nor their Assigns, nor any of them, shall or will Demand, Exact or Take any more or greater Rates, Rents, Duties, Tolls, or Prices of any Person

Person or Persons, using or keeping any of the said Markets, for his or their Shop-place, Stall, or Standing therein, Or for their Dossars, Baskets, Maunds, Carts, and Carriages, than such and so much, and in such manner as have heretofore (by the aforesaid *Act of Common Council*) been Limited, Appointed or Allowed. And in case they, or any of them, or their Assigns, shall at any time, during the said Term of their Lease, Exact or Take any greater Rates or Duties than as aforesaid. Then in such case, they or some of them shall and will pay unto the *Mayor and Commonalty, &c.* or their Successors, for every time they shall so Exact, the Sum of Ten Pounds.

The said Farmers further Covenant with the City, Not to disturb or remove any of the *Market People* from their Stalls or Standings without their free Consent, they paying the Settled Rates and Duties, and being conformable to the Rules of the said Markets. And where any Differences do arise between the said Farmers and the *Market-People* touching any Rates and Duties to be paid, or the placing or displacing of any Person or Persons, The said Farmers are obliged to abide by the Determination of the *Court of Aldermen*. Provided such Determination do not abridge them of any of the Rates and Duties to be taken by vertue of the aforesaid *Act of Common Council* made the 17th of Septemb. 1674.

The Case of the Inhabitants adjoining to Honey-Lane, and Newgate Markets, as Presented to a Committee of Common-Council, appointed the 29th of May, 1696. to Consider of the Abuses committed by the Farmers of the Markets, and of Methods for Redress thereof, &c.

WE whose Names are Under-Written, Inhabitants adjoining to *Honey-Lane Market*, do hereby Testifie and Declare, That before Mr. *Burdet* was concerned in Farming the Markets of this City, we with others the Inhabitants about the said Market, did quietly enjoy the Stalls belonging to our respective Houses, for the shew and Sale of our Goods and Merchandize; and had between our Stalls and the Channel, which was the Verge of the said Market, about Nine Foot of Pavement which we maintained, as obliged by our Leases, at our own Charge: But some time after the said Mr. *Burdet*, with the other Farmers, were concerned in the said Market, they pluck'd up the said

Pavement, and removed the said Channel, and put up Racks and Stalls close to the very uprights of our Houses, and have Arrested and put Informations in the *Crown-Office*, against many of us, and many other that opposed them, to our very great Loss and Damage, and have obliged some of our Neighbourhood to leave their Houses, and others of us to pay them a certain Rent for Liberty to show the Goods we sell in our Shops, otherwise they would not have suffered us to have Opened our Shop-Windows on the out-side of our Houses, tho some of us pay 60 l. per *Annum* Rent; and to deter us from contesting the Right of these Matters at Common Law, Mr. *Burdet* tells us, they will spend a *Thousand Pound* before they will loose a Cause, and wishes he could find a Man that dares spend a *Thousand Pound* with them. And those of us that do not comply with the said Farmers to pay them a standing-Rent, as aforesaid, have our Doors Lett out to others, some at 10 l. per *Annum*, by the said Farmers.

AND We do futher Attest and Declare, That before the present Farmers took the Markets to farm, there were never any inclosed Shops in the said Market of *Honey-Lane*, and never but one attempted to be put up, which was in the Mayoralty of Sir *William Prichard*; and Complaint being made to him thereof, he order'd it immediately to be pull'd down, which was accordingly done; But since the said Farmers, have been concern'd, they have caused to be Erected Fourteen or Fifteen inclosed Shops, which they Lett out, some to Handicrafts and to several other Trades.

AND Whereas the said Market was formerly well filled with Country Market-People, There is not now left, by reason of their Abuses, above Ten or Twelve Country-People who bring Victuals there to Sell. But are gone some to *Spittle-Fields*, and other Foreign Markets.

THE Inhabitants about *Newgate Market*, made Complaints to the said Committee to the like effect, Setting forth, That whereas the City had a Grant from the Dean and Chapter of *St. Paul's*, confirm'd by Parliament, of 23797 superficial Feet of Ground, to be used for a Market-Place Three or Four Days in the Week; the said Farmers notwithstanding, Claimed and Lett out to Market-People 29451 Foot of Ground, which is the full Extent of superficial Feet to the uprights of their Houses, round the said Market, and is, as they humbly conceive, 5654 Foot of Ground more than the City Purchased: Upon which the said Committee made the following Order, *Viz.*

Mercurij 26 die August 1696. Annoq; R. R. Willielm. III. Angl. &c. 8.

The Petition of several Inhabitants in *Newgate Market* was Read, And the Committee advised them to Sue for their Ground before their Houses, detained from them by the Farmers.

mers of the Markets, And the Comptroler is Ordered to produce any of the Cities Books, Deeds or other Writings as Evidence, on their behalf, for the said Ground in any Trial at Law for the same, And Leave is given him to be of their Council.

Nich. Willmot Comptroler.

Note, That When the Stalls of Honey-Lane Market were at first set out, a Committee of Aldermen and Commons consulted the Neighbourhood how to set them at such a Distance as might be least offensive to the Houses adjoining.

London.

At the General Quarter-Sessions of the Peace in July,
Anno Dom. 1696.

We the Grand Inquest sworn to inquire for the Body of the City
London, do Present as followeth, viz.

Imprimis,

WE present Thomas Burdett, of the Parish of St. Peter's Cheap, London, and Thomas Killner, of the Parish of St. Dunstan's in the East, London, for that they with divers other Persons unknown, Farmers of the several Markets within this City, executing the Office of Clerk of the said several Markets, have Extorted, and do by themselves, their Servants and Agents extort several considerable Sums of Money from many of his Majesty's Subjects, for Fines for the admittance of, or liberty for the said Persons to sell Victuals and other Provisions in the said Markets; And for that they do daily Extort from great numbers of his Majesty's Subjects, as well for Liberty to Stand and sell Provisions in the said Markets, and in other parts of the said City, several Sums of Money greatly exceeding the Rates and Prices by Law allowed.

And for that they have and do greatly Oppress great Numbers of His Majesty's Subjects using the said Markets, (who do Oppose their unreasonable Demands) by many Vexatious Suits, to the Ruine of many Families; by which Practices the Rates and Prices of Provisions and Victuals are much encreased, to the great Prejudice of His Majesty's Subjects inhabiting in this City. *Witness our Hands this Thirteenth Day of July,*
Anno Dom. 1696.

Tho. Eyre,
Thomas Emes,
James Collett,
Nathan. Greene
Jo. White,

Abraham Hickman,
Isaac Grevill,
Thurston Witbrell,
Stephen Thompson,
Thomas King,

Jos. Wadley,
Tho. Smith,
Henry Clerke,
John Cowper,
Samuel Rolfe.

By

...the Committee appointed as above
said, hath this Thanks of the Common Council for what they did in
these Matters.

Note. The late Act of Parliament for making *Bullsgate* a Free Mar-
ket, having already had such good Effects, (in reducing the Prices of
Pork there almost one half, to the unpeakable Benefit of the Pub-
lick, especially the Poor) 'tis hoped the Government will be Induced
to Inspect and Redress the Abuses committed in all the other Publick
Markets.

The poor Market People Generally desire, That the Rates and Du-
ties settled by an Act of Common Council, made the 17th of Septem-
ber, 1674, Intituled, *An Act for the Settlement and well Ordering of the
several publick Markets within the City of London*, may be explained and
Regulated by the Practice of the said City, or their Farmers, in their
Demands and Receptions (of the Market People) for the first Ten
years after the said Act was made: And so much the rather, because
as they are informed, the present Farmers, in their Grant from the Ci-
ty, are expressly entered into a Lease made by the City unto Mr. *Volby
Hargrey* in the year 1677, touching the Tolls, Rates, and Duties to be
taken by them.

And for that they have and do greatly Oppress great Numbers of His
Majesty's Subjects, using the said Markets, (who do Oppose their unrea-
sonable Demands) by many Vexatious Suits to the Ruine of many Fam-
lies; by which Practices the Rates and Prices of Provisions and Victuals
are much encreased, to the great Prejudice of His Majesty's Subjects in-
habiting in this City. Witness our Hand this Twentieth Day of July,
1681.

FINIS.

For the City of London, by
Thomas Clarke, Clerk of the
Common Council.
For the Farmers, by
Thomas Clarke, Clerk of the
Common Council.
For the Poor, by
Thomas Clarke, Clerk of the
Common Council.

